



MINUTES

CITY COUNCIL

ADJOURNED & REGULAR MEETING

Tuesday July 13, 2004

THIS IS TO CERTIFY THAT:

The San Bruno City Council met in an **ADJOURNED MEETING** starting at 6:45 p.m. for the purpose of interviewing applicants for boards, committees, and commissions.

Present were Mayor Franzella, Vice Mayor O'Connell, Councilmembers Ruane and Pallas and Councilmember Ibarra was absent with notice. City Clerk Simon was recording.

Applicants interviewed were: Robert Hanely, Gregory Pierce, Felix Aberouette, Ruth Kruidenier, Gary Fleming, Elizabeth Weistrop, and Katie Beltrano.

Mayor Franzella advised all applicants that the appointments would be made at the regular City Council meeting of July 27, 2004 and thanked them all for their interest in serving and attending tonight.

Meeting adjourned to the regular City Council meeting at the Senior Center 1555 Crystal Springs Road starting at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

1. ROLL CALL:

Mayor Franzella presiding with Vice Mayor O'Connell, Councilmembers Ruane, and Pallas present. Absent with notice was Councilmember Ibarra. Recording by City Clerk Simon.

PLEDGE OF ALLEGIANCE:

Led by San Bruno Citizen Jason Maneri.

PRESENTATIONS:

- a. Special recognition and appreciation to San Bruno resident **Jason Maneri** for his act of heroism in coming to the aid of a police officer. **Mayor Franzella** read a letter from Chief of Police Violetta detailing the brave act of heroism performed by Mr. Maneri and thanked him on behalf of the City Council and citizens of San Bruno. **Mayor Franzella** presented a proclamation to Mr. Maneri.
- b. Official service award and pin were presented to **Police Lieutenant Marc Catalano** in recognition of 25 years of loyal and devoted service to the City of San Bruno. Police Chief Violetta explained how valuable employee Officer Catalano was and hope for another 25 years of service. Officer Catalano introduced his wife and stated he enjoys his assignment and loves San Bruno and looks forward to working many more years.
- c. **Narita Sister City** delegation, which includes City employees, Police Detective Sergeant, Jonathan Burke and Library Services Assistant Director, John Alita, San Bruno teachers and students, gave an update on their July 2nd – 10th visit to Narita Japan. Team Leader John Alita presented a brief power point to the Council and introduced Parkside School teacher Bob Darling who also gave highlights of the recent trip. Jonathan Burke stated that the group was treated like royalty and many friendships were made. Several of the students made comments to the Mayor and Council and expressed enthusiasm and appreciation for the opportunity to visit Narita Japan and stay with Host families. City Manager Jackson advised the public that the City of Narita will be celebrating its 50th Anniversary in October 2004 and Mayor Franzella and Councilmember Ruane will be attending the events in Narita at their own expense.

ANNOUNCEMENTS:

Newly installed San Bruno Chamber of Commerce **President Karin Cunningham** announced four major events and various activities being planned by the Chamber of Commerce.

- 2. REVIEW OF AGENDA:** No changes were made.
- 3. APPROVAL OF MINUTES:** The regular Council meeting minutes of June 22, 2004, were approved as submitted.
- 4. CONSENT CALENDAR:** All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by Councilmember, citizen or staff.
 - a. Approve: Payroll** of June 18th, 2004
 - b. Approve: Accounts Payable** of June 6th & 14th, 2004. (Council Packets only, copy is available for review at the City Clerk's office)
 - c. Approve: Out of state travel** for CATV System engineer Al Johnson and CATV Programming Technology Manager Steve Firpo to attend the National Cable Television Cooperative's (NCTC) Annual Members Meeting in Orlando, FL., August 1, to August 5, 2004.
 - d. Accept:** Resignation from **David Papageorgiou**, member of the Citizens Crime Prevention Committee.
 - e. Accept:** Approve acceptance of **donation in the amount of \$2500** from the Sammut Family Foundation to the San Bruno Public Library in support of the 2004 Summer Reading Program, "Laugh It Up At Your Library!"
 - f. Approve:** Authorize reimbursement in the amount of \$87,000 to SummerHill Homes for the retroactive implementation of the **production home plan check fee**.
 - g. Approve:** Adopt of resolution authorizing the acceptance of the Lower Sneath Lane Trunk Sewer Replacement Project improvements and the filing of a **Notice of Completion** with the San Mateo County Recorder.
 - h. Approve:** Letter to Congressman Lantos requesting his assistance to **provide improvements** to the Golden Gate National Cemetery.

Mayor Franzella pulled item 4. f. for discussion. M/S Ruane/Pallas to approve the remainder of the consent items and passed with unanimous vote with Ibarra absent.

Mayor Franzella explained that the dollar figure on the agenda item 4.f. is incorrect and should read \$104,943, the same as the staff report in the packet. **M/S Ruane/Pallas** to approve reimbursement and passed with unanimous vote and Ibarra absent.

5. PUBLIC HEARINGS: (Notices have been published, posted, and mailed)

Hold Public Hearing, waive first reading, and introduce Ordinance No. 1697, an ordinance of the City of San Bruno adding new chapter 7.18 (**Residential Permit Parking**) to Title 7 (Vehicles and Traffic) of the San Bruno Municipal Code. Deputy Public Works Director Buck gave an overview of the activities leading up to this recommendation by the Traffic, Parking, and Safety Committee. **Mayor Franzella** opened the public hearing for comments.

Scott Buschman of Claremont Drive expressed concern that 1st Avenue may be impacted if commuters decide to park on the other side of the Caltrain tracks because of these restrictions. He also felt this parking district may be needed in other areas that are not "transit related" and should be modified to allow usage if needed. **M/S Pallas/Ruane** to close public hearing and passed unanimously with Ibarra absent.

Vice Mayor O'Connell explained that the staff would return to the Council in six months after a particular parking district is approved to see if the parking problem is pushed into another area. **Mayor Franzella** said this ordinance is purposely restricted in order to control what are still unknown management costs for this program. **M/S Ruane/O'Connell** to waive the first reading and passed by unanimous vote with Ibarra absent. **Councilmember Ruane introduced the ordinance for adoption** with roll call vote of all ayes and absent Ibarra.

6. UNFINISHED BUSINESS: None

7. CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACTS:

Public Works Director Munns recommended the City Council take the following actions:

- (1.) Award the **Lower Sneath Lane Overlay Project** to the lowest responsible bidder, Interstate Grading & Paving, Inc. in the amount of \$360,181.75.
- (2.) Authorize the City Manager to execute a construction contract with the lowest responsible bidder upon approval as to form by the City Attorney.
- (3.) Authorize the transfer and use of \$98,000 in previously appropriated funds from the Lower Sneath Lane Trunk Sewer Replacement Project.
- (4.) Authorize a total expenditure of \$490,000 for the completion of the Lower Sneath Lane Overlay Project.

Deputy Public Works Director Buck provided an overview of the project and stated that it has been on hold pending the completion of the sewer improvements on Sneath Lane and now we can proceed. The low bid came in \$75,000 under the engineer estimate.

M/S O'Connell/Ruane to approve all four items as presented, passed with unanimous vote with Ibarra absent.

8. COMMUNICATIONS: None

9. STAFF REPORTS:

- a. Fire Chief Voreyer and Police Chief Violettt provided City Council with an **oral update** on the **July 4th, 2004 activities** as it relates to the fireworks sales and extra services required during this event.

Fire Chief Voreyer gave an oral summary report to the City Council. Major activities noted were as follows: one delivery truck was transporting fireworks without the proper placards/warning on the vehicle, emergency calls were up to 94 or 3 times normal call volume, there were no reports of fires or injuries due to "safe and sane" fireworks. There were two injuries due to illegal fireworks placed in a pipe, which exploded and caused serious injury to two young men. The use of illegal fireworks was out of control and the number of aerial fireworks exceeded any prior year. The public safety staff was stretched to the limit. People were actually throwing firecrackers at the fire trucks as they responded to service calls.

Police Chief Violettt gave an oral summary report to the City Council. Calls for services were up over 25% and most of the calls related to the use of illegal fireworks. He could not recall ever seeing such a huge use of high-end pyrotechnics devices. The sheer volume of calls out stripped the department's resources. Large numbers of residents were using fireworks of both types in the middle of the street and this made it difficult to see through the smoke and haze. The police officers must actually see the subject light the fuse of the illegal fireworks in order to arrest and prosecute. The use of aerial fireworks is a felony. There were 110 pounds of illegal fireworks confiscated. The use of illegal fireworks this past 4th of July has reached an unacceptable level.

Public Works Director Munns gave report on the clean up activity after the event. There were 40 hours of extra work and 12 cubic yards of debris picked up.

Councilmember Pallas said the Public Works Department did an excellent job of cleaning both the streets and parks and thanked them for their extra effort.

Carolyn Livengood of Sheryl Drive wants to back up what the Fire and Police reported. This was the worst year ever for the use of aerial and illegal fireworks. She could not go to bed early and it is scary and dangerous. Are we spending more on taking care of the problem then we are making on the sales?

Louise Johns of Trenton Drive spoke on the escalation of illegal fireworks. Fireworks were being launched from the back yard of her neighbor's home. This event is out of control and urges the City Council to prohibit the use of all types of fireworks in San Bruno.

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Guy Wright of Trenton Drive said there were multiple fireworks going off and homes were covered with smoke. People were throwing fireworks under cars and at each other. Vehicles were not able to get through the street. Rockets were being fired into the eucalyptus trees. Please take action to correct this situation.

Marian Degliantoni of Trenton Drive said bottle rockets were shot into his garage. While he is a fan of the safe and sane fireworks, people are bringing their friends from other Cities and using illegal fireworks. Police need more people on staff to control this problem.

Ray Schenone of Madison Avenue said his home is only two doors from where the boys were injured from the pipe bomb. His street was like a battleground with aerial rockets going off all night. It has gotten out of control and the Council needs take a look at this program.

Dave Dornlas of Crestmoor Drive said things were out of control. He has never seen so much money being spent to blow things up in the air. It's time to put a stop to this. He has started a Web site www.sbfireworks.com with pictures of the fireworks and a link to e-mail all Councilmembers. He does not believe "safe and sane" fireworks are a problem but they "mask" the users of illegal ones.

Mike Kaiser representing Parents of Troop 72 said he has sold safe and sane since 1967. If residents see someone using illegal fireworks they should report it to the police. He works for free and pays \$750 for a fireworks permit. His neighborhood had a "Candlestick Park" Fireworks display also.

Councilmember Ruane said we have been fortunate that the non-profits have been able to make a large sum of money over the years to support their fine programs; however, we have been lucky not to have a large grass fire in Crestmoor Canyon and injuries. He is in favor of looking at eliminating the use of safe and sane fireworks. He is willing to take the heat on this issue and does not want to see a major fire or death caused by the use of fireworks.

Councilmember Pallas said we have fireworks to celebrate the freedom of our county. To ban fireworks is like prohibition of the 1920's because people will still use them. People should inform their neighbors that illegal fireworks are not allowed and should be reported to the police. If the Council is worried about the risk they should banned driving vehicles on the 4th of July because they cause injury and death to our residents.

Vice Mayor O'Connell said people are abusing the privileges of using fireworks. The selling of safe and sane makes much-needed funds for the non-profits, and people do not feel safe in their homes due to the illegal fireworks use. This problem is very complex and we need a special meeting with the non-profit groups and concerned citizens in order to come up with a solution. Just to say no fireworks is not a solution.

Mayor Franzella said he has supported the selling of safe and sane fireworks in the past; however, much to his regret, he has never received so many calls from residents and seen what went on this past 4th of July. The safe and sane ones where not causing the problem but they created the mask for illegal fireworks use and invite the masses to our community. He fears for the safety of the community and does not believe we can avoid serious injury or fire in the future. We cannot make a decision tonight but we need to resolve this problem. He wants to see the City Council hold a special session in the first part of August. All non-profit groups and anyone that has expressed an interest in this issue will be notified and the public will have an opportunity to give their input.

Councilmember Pallas said this is an important issue, we must allow the people of San Bruno to decide by voting as to whether or not we continue with safe and sane fireworks.

Mayor Franzella replied this may be the outcome of the special meeting but we need to resolve this issue now and not wait until next year.

- b. Police Chief Violet recommends the City Council approve grant from the State of California in the amount of \$50,038 for **Speed Reduction and Pedestrian Safety Program**.

Chief Violet gave the staff report to the Council. **M/S Ruane/O'Connell** to accept the grant and passed with a unanimous vote, Ibarra absent.

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10. REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None

11. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Scott Buschman of Claremont Drive thanked the City Council for sending notices to attend an informational meeting on developments at the Sky Crest Center. What power does the City have in guiding this project? Lunardi's will stay and that will be a benefit.

Robert Riechel of 7th Avenue reported that cooking oil placed in water is not an effective way to eliminate mosquitoes. The African killer bees are a few hundred miles away at this time. The Abatement District has placed a mosquito trap at a home on the 500 block of 7th Avenue and will be monitoring mosquito activity.

John Barrelier of North San Anselmo Avenue reported that 4 months ago there was damage caused to the San Bruno Senior Center. Currently there is a beam holding up the west end and this beam is resting against the freezer. Did we request a new freezer from the insurance company?

Mayor Franzella explained that this was only a temporary repair pending going out to bid as required by law since this is a public building. Repairs will be made next month.

Carolyn Livengood of Sheryl Drive asked what the grant for speed reduction program would achieve? She said the USO operating out of the San Francisco Airport need funds since many troops are returning from Iraq and have hardships.

Chief Violett said two new radar guns and a new radar display trailer are being purchased. There will be four events targeting pedestrian safety violations and speeding.

12. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES: None

13. NEW BUSINESS:

- a. Councilmember Pallas requests Council re-consider the unanimous action taken on June 22, 2004, to authorize **naming the street** running through City Park as City Park Way. He is requesting the name "Veterans Way" be used in its place.

Councilmember Pallas explained that since the Council took its vote at the last meeting he has received input from many military groups and citizens that they would be honored to have the street going through the park named as Veterans Way. He is requesting the Council reconsider its action.

Mike Kaiser of 5th Avenue said to deny naming the street Veterans Way would be a slap in the face to the Veterans. The City puts a lot of effort to recognize its fine relationship with Narita, Japan but there is no effort by this Council to recognize the World War II Veterans. The Council should reassess its values.

Carolyn Livengood of Sheryl Drive wants consideration for using "Veterans Way".

Ray Schenone of Madison Drive agrees 100% with Mr. Pallas and street should be named Veterans Way. He also said the Golden Gate National Cemetery needs repair and upgrading. Thank you for requesting assistance from Congressman Lantos.

Vice Mayor O'Connell said she has met the new Director and his name is James Metcalfe and is dedicated to fixing up the cemetery. She understands that it is very emotional issue, naming the street Veterans Way especially with the current conflicts going on in the world. She suggests that the Art Commission take on the task of an appropriate way to honor our veterans. Maybe Sneath Lane should be changed to Veterans Way. Her first husband is buried in Golden Gate National Cemetery.

Councilmember Ruane said that the Parks & Recreation Commission first brought this issue up because no one could find the War Memorial Building and we wanted to give it an address. He is a five-year veteran and this issue is close to him also. He would like to see more memorials on "City Park Way" to honor our veterans of all wars.

Councilmember Pallas said everyone including a unanimous Parks & Recreation Commission wants the street named "Veterans Way" and only the Mayor and three Councilmembers are in favor of "City Park Way".

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Mayor Franzella said if we are going to honor the veterans lets do it correctly. The War Memorial Building will celebrate it's 50th anniversary next year and lets re-dedicate the building and put something permanent up to honor them.

At approximately 9:30 the City Council adjourned to closed session.

- b. Closed session** requested by City Manager Jackson regarding **labor negotiations** with all of the City bargaining units. (Gov't Code Section 54957.1(a)(6).)
- c. Closed session** requested by City Manager Jackson regarding City Manager performance evaluation. (Gov't Code Section 54957)

At approximately 10:15 p.m. the City Council reconvened the meeting and Mayor Franzella reported that direction was given to the negotiating team and there was no action to report.

- d.** Adopt resolutions approving agreements with all City Employee bargaining units. Introduction and roll call vote.

Vice Mayor O'Connell introduced the resolutions for adoption with roll call vote of all ayes and absent Ibarra.

14. ADJOURNMENT:

With no further business to transact, meeting adjourned at 9:45 p.m. to July 21, 2004 at 5:00 p.m. at the Sister City conference room, City Hall 567 El Camino Real, for the purpose of a special City Council study session to discuss the 2004-05 General Fund Budget. Thereafter, meeting will adjourn to July 22, 2004 at 5:00 p.m. to discuss the 2004-05 Redevelopment Agency Budget. Thereafter, meeting will adjourn to the regular City Council meeting of July 27, 2004, starting at 7:00 p.m. San Bruno Senior Center 1555 Crystal Springs Road San Bruno, CA 94066.

Respectfully submitted for approval
at the regular City Council Meeting
of July 27, 2004.

Ed Simon, City Clerk

Larry Franzella, Mayor